

Article 1: Admission Rules for the Practice of Law.

(Amended July 25, 2013, effective August 1, 2013; amended February 12, 2020.)

Appendix A - Character and fitness standards

Appendix B - Motion for pro hac vice admission and oath

Appendix C - Policy on applicants with a disability

Appendix D - Nebraska State Bar Commission emergency preparedness plan

Appendix E - Fees for Nebraska State Bar

Preamble.

These Admission requirements provide guidance to applicants on the procedures for the admission to the practice of law in Nebraska.

Preamble amended February 12, 2020.

§ 3-100. Supreme Court jurisdiction.

(A) The Supreme Court exercises jurisdiction over all matters involving the licensing of persons to practice law in the State of Nebraska. Accordingly, the Supreme Court has adopted the following rules governing admission to the practice of law.

(B) Every attorney admitted to practice in the State of Nebraska shall pay a bar admissions assessment for each calendar year from January 1 to December 31, payable in advance and subject to a late fee if paid after January 20 of each year, in such amount as may be fixed by the Court. Such assessment shall be used to defray the costs of bar admissions administration and enforcement as established by these rules. The annual assessment shall be paid to the Attorney Services Division of the Nebraska Supreme Court through the Court's online system. Different classifications of bar admissions assessments may be established for Active Jr., Active Sr., Active, Inactive, Military, and Emeritus members as those membership classes are defined in Neb. Ct. R. § 3-803. Members newly admitted to the practice of law in the State of Nebraska shall not pay a bar admissions assessment for the remainder of the calendar year in which they are admitted.

(C) Members who fail to pay the bar admissions assessment shall be subject to suspension from the practice of law as provided in Neb. Ct. R. § 3-803(E).

§ 3-100 amended December 3, 2013, effective January 1, 2014; § 3-100(B) amended March 19, 2014; § 3-100(B) amended February 12, 2020.

§ 3-101. Definitions.

(A) **Approved law school.** "Approved law school" is one which, at the time of the applicant's graduation, is approved by the American Bar Association pursuant to its Standards and Rules of Procedure for Approval of Law Schools.

(B) **Adverse decision.** "Adverse decision" means

(1) a denial by the Bar Commission of an applicant's request for admission or permission to sit for a bar examination; or

(2) a denial by the Bar Commission of a request for special testing accommodation; or

(3) a failure to meet the required character and fitness as determined by the Bar Commission upon an application:

(a) for reinstatement after an administrative suspension under § 3-803(F)(2),

(b) for reinstatement after resignation under § 3-119(E), or

(c) to move from inactive membership to active membership status under § 3-803(B)(2).

(4) An adverse decision does not include a failure to achieve a passing score on the bar examination.

(C) **Motion applicant.** "Motion applicant" means any person who, at the time of filing his or her application for admission to practice law in this state, has been admitted to practice before the highest court of another state, the District of Columbia, or any jurisdiction where the Common Law of England constitutes the basis of jurisprudence.

(D) **Examination applicant.** "Examination applicant" means any person who has graduated from an approved law school other than a motion applicant.

(E) **Court or Supreme Court.** "Court" or "Supreme Court" means the Supreme Court of the State of Nebraska.

(F) **State.** "State" means State of Nebraska.

(G) **Commission.** "Commission" means the Nebraska State Bar Commission.

(H) **MBE.** "MBE" means the Multistate Bar Examination provided by the National Conference of Bar Examiners.

(I) **MEE.** "MEE" means the Multistate Essay Examination provided by the National Conference of Bar Examiners.

(J) **MPRE.** "MPRE" means the Multistate Professional Responsibility Examination provided by American College Testing.

(K) **MPT.** "MPT" means the Multistate Performance Test provided by the National Conference of Bar Examiners.

(L) **UBE.** "UBE" means the Uniform Bar Examination provided by the National Conference of Bar Examiners. The UBE is composed of the MEE, MPT, and MBE.

(M) **NCBE.** "NCBE" means the National Conference of Bar Examiners.

(N) **Rules or These Rules.** "Rules" or "These Rules" means §§ 3-100 through 3-129 of the Rules Relating to Admissions.

(O) **Transcript.** "Transcript" means a duly authenticated copy of courses and credits earned demonstrating the completion of educational qualifications for admission to the practice of law in the State of Nebraska.

(P) **Substantially engaged in the practice of law.** "Substantially engaged in the practice of law" means primarily engaged in legal work performing any combination of the following:

(1) The private practice of law as a sole practitioner or as an attorney employee of, or partner or shareholder in, a law firm, professional corporation, legal clinic, legal services office, or similar entity; or

(2) Employment as an attorney for a corporation, partnership, trust, individual, or other entity with the primary duties of:

(a) Furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law; or

(b) Preparing cases for presentation to or trying before courts, executive departments, or administrative bureaus or agencies;

(3) Employment as an attorney in the law offices of the executive, legislative, or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of a state, territory, special district, or municipality of the United States, with the primary duties of:

(a) Furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law; or

(b) Preparing cases for presentation to or trying cases before courts, executive departments, or administrative bureaus or agencies;

(4) Employment as a judge, magistrate, hearing examiner, administrative law judge, law clerk, or similar official of the United States, including the independent agencies thereof, or of any state, territory, or municipality of the United States, with the duties of hearing and deciding cases and controversies in judicial or administrative proceedings, provided such employment

is available only to an attorney; or

(5) Employment as a teacher of law at a law school approved by the American Bar Association throughout the applicant's employment; or

(6) In the event that the applicant has not served for a full 3 of the last 5 years with any of the entities listed in subsections (1) through (5) above, for purposes of this section, the applicant may use any combination of subsections (1) through (5) above.

(Q) **Active and in good standing.** An applicant who is "active and in good standing" means an applicant who is admitted to the bar of another state and is not disbarred, is not under disciplinary suspension, has not resigned from the bar of such other state while under disciplinary suspension or while under disciplinary proceedings, or is not the subject of current or pending disciplinary proceedings, or who, having been disbarred or suspended, has been duly and fully reinstated.

(R) **Director.** "Director" shall mean the director of the Bar Commission and director of admissions. The director is the Nebraska Supreme Court's Administrator of Attorney Services.

Rule 1 amended February 10, 1993. Renumbered and codified as § 3-101, effective July 18, 2008; § 3-101 amended January 11, 2012, effective January 1, 2013; § 3-101 amended July 25, 2013, effective August 1, 2013; § 3-101(P) amended January 14, 2015; § 3-101(P)(6) amended November 30, 2016; § 3-101(C), (D), (P), and (R) amended February 12, 2020; § 3-101(B) amended October 28, 2020.

§ 3-102. Nebraska State Bar Commission; terms; duties.

(A) The Supreme Court shall appoint a commission composed of six lawyers who are members of the Nebraska State Bar Association to make recommendations to the Court regarding applicants for admission to practice law in the State of Nebraska. One commissioner is selected from each Supreme Court judicial district. Each commissioner is appointed for a term of 6 years. Each commissioner may serve two full terms. In the event of a vacancy, the Supreme Court may appoint a commissioner to fill any unexpired term. A commissioner from each Supreme Court judicial district shall be appointed every 6 years beginning with the following schedule:

First Judicial District	2021
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Second Judicial District	2020
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Third Judicial District	2019
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Fourth Judicial District 2022

Fifth Judicial District 2018

Sixth Judicial District 2023

A Commissioner appointed to fill a vacancy is not precluded from serving two additional full terms.

(B) The Commission so appointed will, following application for admission by motion, or following an application for admission by examination, examine proofs for qualification filed in accordance with these rules and may direct the director of admissions to make further investigation as to the qualifications of any applicant as it deems necessary. The Commission shall make the final recommendation to the Supreme Court as to admission. The Commission will examine examination applicants upon the subjects selected by the NCBE for the Multistate Essay Examination (MEE), the Multistate Performance Test (MPT), and the Multistate Bar Examination (MBE). The method of conducting the examinations shall be determined by the Commission in its discretion, consistent with the procedures established by the NCBE. The purpose of the examination will be to determine whether an individual examination applicant is qualified and competent to be permitted to practice law in the State of Nebraska. The scores for passing the examination will be established by the Supreme Court.

(C) The Supreme Court will select one of the Commission members as chair, who shall preside at meetings of the Commission and who shall be entitled to vote on any matter before the Commission. The Commission may select a vice-chair to preside at the meetings in the absence of the chair.

(D) Commissioners may recuse themselves for any conflict of interest involving an applicant. Commissioners shall inform the chair and the director of the existence of any conflict of interest.

(E) Each member of the Commission is authorized to administer oaths in any proceeding before the Commission on matters relative thereto and has the power in such matters to subpoena witnesses, to subpoena documents, and to take depositions.

(F) The Commission may employ counsel in connection with any matter pertaining to an applicant and, as provided herein, may employ consultants who may provide the Commission with advice on matters involving specialized knowledge bearing on an applicant.

Rule 2 amended December 29, 1993; effective March 1, 1994. Renumbered and codified as § 3-102, effective July 18, 2008; § 3-102 amended July 25, 2013, effective August 1, 2013; § 3-102(A) and (B) amended February 12, 2020.

§ 3-103. Director of admissions; duties.

(A) The Supreme Court's Administrator of Attorney Services, employed by the Court pursuant to Neb. Ct. R. § 3-803(A)(2), shall serve under the supervision of the Court and perform such duties for the Commission as these rules may require. The Administrator shall not be a member of the Commission, but shall, for purposes of these rules, act as the director of the Bar Commission and director of admissions (director).

(B) The director shall be responsible for the administrative functions of the Commission, which include overseeing the bar examination, ensuring adequate grading resources are in place, conducting character and fitness investigations, and reporting to the Supreme Court the finances of the Commission.

(C) The director shall make the initial determination as to whether an application for admission meets the admission requirements established in Neb. Ct. R. §§ 3-113, 3-114, and 3-119.

Rule 3 amended July 28, 1998; Rule 3(C) amended July 13, 2005, effective September 1, 2005. Renumbered and codified as § 3-103, effective July 18, 2008; § 3-103 amended July 25, 2013, effective August 1, 2013; § 3-103 amended December 3, 2013, effective April 1, 2014; § 3-103 amended February 12, 2020.

§ 3-104. Meetings of Commission.

The Commission shall hold regular and special meetings at times and places to be fixed by the Commission and shall provide notice to each Commissioner. The presence at a meeting of four or more Commissioners shall constitute a quorum. Commissioners may appear by telephone or by other electronic means, and such appearance shall constitute attendance at a meeting for purposes of establishing a quorum.

§ 3-104 amended July 25, 2013, effective August 1, 2013.

§ 3-105. Records.

(A) The director shall have general charge of the records and files of the Commission and of all property of the Commission. The director shall keep a permanent, complete digital file containing all applications for admission to the bar.

(B) Fingerprint reports supplied by the Nebraska State Patrol shall be retained only until a final decision is rendered on admission of an applicant at which time the record shall be destroyed. In no event should the fingerprint report be electronically stored.

(C) The director shall keep minutes of the proceedings of the Commission.

Rule 5(B)(3) eliminated February 10, 1993; Rule 5(C) amended May 22, 1996; Rule 5(D) and (E) amended July 28, 1998; Rule 5(E) amended May 23, 2001; Rule 5(C) amended January 29, 2003; Rule 5(A)(1) amended May 13, 2004; Rule 5(A)(5) adopted February 9, 2005. Renumbered and codified as § 3-105, effective July 18, 2008; §§ 3-105(A)(3)(a)-(c), and (4)-(7) amended January 11, 2012, effective January 1, 2013; § 3-105 amended July 25, 2013,

§ 3-106. Communications in official confidence; immunity.

The records, papers, applications, and other documents containing information collected and compiled by the Commission, its members, the director, Commission employees, agents, or representatives are held in official confidence for all purposes other than cooperation with another bar licensing authority. Provided, however, that an applicant's appeal to the Supreme Court may result in such communications becoming public record. The Commission, its members, the director, and all Commission employees, agents, or representatives are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of the Commission's duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law. Records, statements of opinion, and other information regarding an applicant communicated to the Commission by any person or entity, firm, governmental authority, or institution, are privileged, and civil suits for damages predicated thereon may not be instituted.

§ 3-106 amended April 13, 2011, effective July 1, 2011; § 3-106(F) amended July 13, 2011; § 3-106 amended July 25, 2013, effective August 1, 2013; § 3-106 amended December 3, 2013, effective April 1, 2014.

§ 3-107. Fees; per diem and reimbursement of expenses of Commission.

(A) Each applicant, with the filing of the application, must pay the fee prescribed by the Nebraska Supreme Court. Application fees will be used for administrative expenses and costs incurred by the Commission in carrying out its duties.

(B) Commissioners are entitled to receive reimbursement for all reasonable expenses incurred in the performance of their duties, and a per diem allowance in an amount to be fixed by the Supreme Court.

(C) The Commission may request a change in the per diem amount and shall submit such request to the Supreme Court for approval.

§ 3-107 amended July 25, 2013, effective August 1, 2013; § 3-107 amended February 12, 2020.

§ 3-108. Commission finances.

The Commission shall be informed by the director twice per year of the status of the Commission's finances. Based on the Commission's financial status, it may recommend to the Supreme Court changes to application fee amounts.

§ 3-108 amended January 11, 2012, effective January 1, 2013; § 3-108 amended July 25, 2013, effective August 1, 2013; § 3-108 amended May 4, 2016; § 3-108 amended February 12, 2020.

§ 3-109. Disaster preparation.

The Commission shall adopt a disaster preparation plan to determine the appropriate procedures to conduct ongoing operations in the event of a natural or manmade disaster. (Appendix D).

§ 3-109 amended January 11, 2012, effective January 1, 2013.

§ 3-110. Rules and regulations.

The Commission may make such regulations as it deems necessary to implement these rules. Regulations shall be approved by the Supreme Court.

Rule 10 amended May 22, 1996. Renumbered and codified as § 3-110, effective July 18, 2008; § 3-110 amended January 11, 2012, effective January 1, 2013; § 3-110 amended July 25, 2013, effective August 1, 2013.

§ 3-111. Commission reports.

(A) As soon as practicable after the conclusion of the examination, the Commission will make a written report to the Court of its recommendations for the admission of examination applicants.

(B) As soon as practicable after review of an application for admission by motion pursuant to § 3-119(A) through (E), the Commission will make a written report to the Court of its recommendations for the admission of motion applicants.

(C) The director shall annually report to the Court the number of motion applications for the previous year, including the date of application, and the date a recommendation was made to the Court for admission.

§ 3-111 amended July 25, 2013, effective August 1, 2013; § 3-111 amended February 12, 2020.

§ 3-112. Essential eligibility requirements for practice of law.

In addition to the admission requirements otherwise established by these rules, the essential eligibility requirements for admission to the practice of law in Nebraska are:

- (A) the ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations;
- (B) the ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others;
- (C) the ability to conduct oneself with respect for and in accordance with the law and the Nebraska Rules of Professional Conduct;
- (D) the ability to communicate clearly with clients, attorneys, courts, and others;
- (E) the ability to reason, analyze, and recall complex factual information and to integrate such information with complex legal theories;
- (F) the ability to exercise good judgment in conducting one's professional business;
- (G) the ability to avoid acts that exhibit disregard for the health, safety, and welfare of others;
- (H) the ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others;
- (I) the ability to comply with deadlines and time constraints; and
- (J) the ability to conduct oneself professionally and in a manner that engenders respect for the law and the profession.

In the event the application and investigation process indicates a question of whether the applicant meets the eligibility requirements for the practice of law contained in this section, the Commission shall take up the matter and determine whether the applicant may be admitted. The Commission shall conduct further investigation under these rules if needed to determine eligibility for admission.

§ 3-112 amended July 25, 2013, effective August 1, 2013; § 3-112 amended February 12, 2020.

§ 3-113. Examination and motion applicants; minimum qualifications; refund.

An application must show the director that such applicant has received at the time of the examination or motion application the applicant's first professional degree, either a JD or LLB degree from an ABA-approved law school. The director shall not accept an application that on its face indicates the candidate lacks a professional degree from an ABA-approved law school or the required years of practice time pursuant to § 3-119(B)(1). If an application is not accepted, all fees shall be refunded to the applicant.

§ 3-113 amended July 25, 2013, effective August 1, 2013; § 3-113 amended February 12, 2020.

§ 3-114. Application for admission by examination applicants.

Each applicant will be required to execute under oath a thorough application and to sign an authorization and release form that extends to the Commission and to any persons or institutions supplying information thereto. The director may reject any incomplete application. The applicant will be informed of the consequences of failing to produce information requested by the Commission and of making material omissions or misrepresentations. (Appendix A).

(A) **Form and content of application.** All applications must be made through the Court's online application system and in the manner prescribed by the Commission as outlined in the application. The Commission may modify or amend the forms as deemed necessary.

(B) **Time for filing application.** All dates and times referred to herein are based on central time. The application must be completed and filed beginning September 1 and no later than November 1 preceding the February examination and beginning January 2 and no later than March 1 preceding the July examination. Applications filed fewer than 30 days after the deadline are subject to a late fee. Applications filed more than 30 days after the deadline will not be accepted. Applicants who failed the immediate prior examination may file up to 30 days from the date of notification of examination results without paying a late fee.

(C) **Fees.** No application for examination and admission shall be accepted by the director of admissions unless such application is accompanied by the full amount of examination, investigation, and administrative fees required by these Rules. (Appendix E).

The application fee shall be paid electronically through the Admissions application website at the time the application is submitted. A laptop fee for the MEE and MPT portion of the examination must be paid directly to the examination software vendor selected by the Commission.

(D) **Refund policy.** If the applicant has registered for the bar examination and cancels not more than 30 days prior to the examination, only the portion of the fee charged for the UBE test documents will be refunded.

(E) **Failure to appear for examination.** If the applicant has registered for the bar

examination and fails to appear, no refund is permitted.

(F) **Deferment.** Provided at least 30 days written or electronic mail notice has been given to the director prior to the date set for the examination, registration fees which have been paid for a bar examination may be held over and applied toward the next available bar examination. No additional deferments are permitted.

(G) **Multistate Professional Responsibility Examination (MPRE) scores.** MPRE scores must be on file by the application deadline of November 1 for the following February examination and March 1 for the following July examination. The scaled score of 85 is required for a passing grade. If the MPRE score is not on file by the application deadline, the late fee applies. An applicant who has passed the bar examination in Nebraska but who has not submitted a passing MPRE score within 1 year after passing the bar examination shall not be admitted in Nebraska. The Commission will not accept an MPRE score that is more than 3 years old.

(H) **Fingerprints.** Applicants must submit two complete sets of fingerprints with the applicant's bar application on a form designated by the Commission as provided under Neb. Rev. Stat. § 7-102(2), or have their fingerprints scanned by an authorized agency. Scanned fingerprints will be processed electronically. Fingerprints obtained by the inking and rolling method must be contained on a Federal Form FD-258 (REV. 5-11-99), which is also known as the "APPLICANT" fingerprinting card. The applicant must have his or her fingerprints rolled or scanned at an authorized agency (police or sheriff's department or highway patrol office), and applicants must complete all applicable identifying information on two fingerprinting cards. The applicant must sign the cards and have the authorized official rolling the applicant's fingerprints also sign and date the cards, with that official printing his or her ON number on the back of the card. Failure to complete all the personal information requested on the top portion of the fingerprint card will cause an application to be delayed and/or rejected. The Commission will forward the fingerprints of all such applicants to the Nebraska State Patrol for a national criminal history record information check by the Identification Division of the Federal Bureau of Investigation. The Supreme Court may, at any time, order the Commission to discontinue requesting, or to thereafter resume requesting, fingerprint record checks on all applicants that are fingerprinted pursuant to Neb. Rev. Stat. § 7-102(2).

(I) **Limitation on repeated attempts.** In no event shall an applicant apply to sit for the Nebraska State Bar Examination after having failed to pass a bar examination on four previous attempts in any jurisdiction, or a combination of jurisdictions.

§ 3-114 amended July 25, 2013, effective August 1, 2013; § 3-114(I) deleted January 14, 2015; § 3-114(A)-(C) and (F) amended March 11, 2015; § 3-114(B) and (H) amended June 22, 2016; § 3-114(G) amended November 30, 2016; § 3-114 amended February 12, 2020.

§ 3-115. Reasonable accommodation.

(A) **Policy.** It is the policy of the Nebraska State Bar Commission to administer the bar examination in a manner that does not discriminate on the basis of disability. An applicant who is otherwise eligible to take the bar examination may file a request for special testing accommodations. (Appendix C).

(B) **Definitions.** For the purpose of this policy, the following definitions shall apply:

(1) "Disability" means any of the following:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing conditions, that the applicant possesses the essential skills, level of achievement, and aptitudes that the Nebraska Supreme Court and the Commission require for admission to the practice of law in Nebraska;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment.

(2) "Qualified applicant with a disability" means an applicant with a disability who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for admission to the practice of law in Nebraska.

(3) "Reasonable accommodation" means an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability without doing any of the following:

(a) Fundamentally altering the nature of the examination or the Commission's ability to determine through the bar examination whether the applicant possesses the essential skills, level of achievement, and aptitudes that are among the essential eligibility requirements set forth in § 3-112, that the Nebraska Supreme Court and the Commission have determined are required for admission to the practice of law in Nebraska;

(b) Imposing an undue burden on the Commission;

(c) Compromising the security of the examination; or

(d) Compromising the integrity, the reliability, or the validity of the examination.

(4) "Release" means an authorization to make records available to the State Bar Commission.

(C) **Requests.** A Request for special testing accommodation will be submitted on forms prescribed by the Commission and consists of all of the following:

(1) a statement from the applicant, including a description of the applicant's disability and the special accommodations requested;

(2) a statement from the applicant's appropriate health care professionals(s) certifying the applicant's disability;

(3) a statement from any educational institution or employer that provided special accommodations to the applicant while the applicant attended the educational institution or was employed by the employer, certifying the accommodation provided; and

(4) an authorization for release of records from the applicant's physician(s) and/or other appropriate health care or mental health professional(s) for the purpose of assessing the disability, and accommodations which may be required.

(D) **Filing of requests.** A request for special testing accommodations for an examination must be filed with the applicant's Application to take the bar examination and by the deadline in § 3-114(B).

(E) **Forms.** All forms necessary to complete a request for special testing accommodations will be available at no charge from the director of the Nebraska State Bar Commission. The applicant may file any additional documentation in support of the request.

(F) **Review.** The Commission will review all requests for special testing accommodations that are properly filed in accordance with this Rule. Requests that are not timely filed, incomplete, or otherwise do not comply with the requirements of this policy may be rejected for consideration by the Commission. The Commission may ask an applicant to submit additional information to support the applicant's request. (Appendix C).

(G) **Additional professional assistance.** The Commission and/or director may seek the assistance of a medical, psychological, or other expert of the Commission's or director's selection in reviewing a request for accommodation when in the opinion of the director and/or Commission, the application is not clear that an accommodation should be granted. (Appendix C).

(H) **Independent evaluations.** The Commission may ask the applicant to submit to an independent evaluation conducted by an appropriate health care professional selected by the Commission. The cost of the independent evaluation shall be paid by the Commission.

(I) **Disability after initial application.** If an applicant becomes disabled after the timely submission of an application for examination and admission and such applicant seeks reasonable accommodation in testing on account of such disability, the applicant shall file an emergency request for reasonable testing accommodation on forms prescribed by the Commission.

(J) **Review of requests.** In reviewing a request, the Commission will follow these procedures.

(1) The Commission will make a determination, and the director will send notification of the determination to the applicant, no fewer than 25 days before the examination.

(2) The Commission's denial of a request will be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request. The Commission's denial will include an explanation for denial. The Commission will also provide the applicant with a copy of the written report of any expert it has consulted in reviewing the request.

(3) The applicant may appeal the denial of a request to the Supreme Court in accordance with § 3-126.

(K) **Standards for decision on merits.** The Commission will grant a request and provide special testing accommodations to an applicant if it finds all of the following:

- (1) the applicant has a disability and is otherwise eligible to take the bar examination;
- (2) the special testing accommodations are necessary to ameliorate the impact of the applicant's disability; and
- (3) the special testing accommodations are reasonable accommodations.

(L) **Determination by Commission.** The Commission will have sole discretion to determine what special testing accommodations are reasonable accommodations. The Commission may provide accommodations different than those requested by the applicant if the Commission determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability.

(M) **Dictation of answers.** If an applicant is permitted to dictate answers to the essay portion of the examination, those answers will be transcribed by personnel selected by the Commission.

(N) **Confidentiality.** All requests for special testing accommodations, supporting documentation, and information developed by the Commission with respect to the requests will remain confidential; however, the Commission may reveal the contents of an application to its experts in assessing and commenting on the matters contained in the application. (Appendix C).

§ 3-115 amended July 25, 2013, effective August 1, 2013; § 3-115(E) amended December 3, 2013, effective April 1, 2014; § 3-115(G) amended February 12, 2020.

§ 3-116. Investigation of applicants.

(A) **Purpose.** The purpose of character and fitness screening before admission to the practice of law in Nebraska is to ensure the protection of the public and to safeguard the justice system. The attorney licensing practice is incomplete if only testing for minimal competence is undertaken. The public is adequately protected only by a system that evaluates character and fitness as those elements relate to the practice of law. The public interest requires that the public be secure in its expectation that those who are admitted to the practice of law are worthy of the trust and confidence clients may reasonably place in their attorneys. (Appendix A).

(B) **Authority to investigate.** The Commission has the authority to investigate and make determinations as to character and fitness to practice law. The Commission may allow its director to make such investigation of each applicant's moral character and fitness to practice law when the application shows issues of character and fitness to practice law. The director shall report to the Commission the names of applicants that required investigation and the

results of such investigation.

(1) If the investigation as to character and fitness of an applicant is completed prior to the bar examination and the Commission determines the applicant should not be approved for admission, the Commission may deny the applicant permission to take the examination. In the event an applicant has been denied admission due to character and fitness, he or she shall be prohibited from filing another application for admission for a period of 3 years unless the Commission or Court's order denying admission provides the applicant an alternative period of time to reapply.

(2) For applicants that have been granted permission to sit for the examination, the final determination of character and fitness shall be reserved until after the bar examination. The conduct of the applicant through the application and examination process shall be considered by the Commission when determining the character and fitness of the applicant. Such permission to sit for the bar examination does not constitute approval or evidence of approval of the applicant's character or fitness.

(C) **Appearance before Commission.** An applicant may be required to appear before the Commission upon reasonable notice and submit to an interview touching upon any matter the Commission deems relevant to the consideration of the pending application.

(D) **Failure to appear.** Failure to appear before the Commission as directed shall be sufficient reason for denial of the application.

(E) **Certificate permitting or denying examination.**

(1) **Permitting examination.** The director of admissions shall provide the applicant a certificate permitting him or her to sit for the bar examination. The certificate shall indicate a reservation of the character and fitness determination until the completion of the bar examination.

(2) **Denying examination.** If the applicant fails to meet the examination and admission requirements, written notice thereof shall be given to the applicant as provided in § 3-126.

(F) **Referral to NLAP.** The Commission may refer applicants to the Nebraska Lawyers Assistance Program (NLAP) in the event the application or investigation indicates criminal alcohol or illegal substance offenses or other information indicating an actual or potential impairment related to a substance use disorder or information indicating a mental health impairment that impacts fitness to practice law.

(1) When a referral is made to NLAP, the Commission shall provide to NLAP facts and documentation related to the referral.

(2) NLAP may:

(a) recommend the Commission order an evaluation for a substance use disorder or mental health impairment, or

(b) formulate a recommendation to the Commission regarding the existence of a substance use disorder or mental health impairment and whether NLAP monitoring would be a beneficial condition of admission under § 3-120.

(3) After the NLAP recommendation, the Commission may make such further investigation as it deems necessary to inform itself concerning the character and fitness of the applicant.

(4) If additional evaluations are ordered by the Commission, that information shall be made available to NLAP if necessary.

(G) **Further inquiry.** The revelation or discovery of any of the following may be treated as cause for further inquiry before the Commission determines whether the applicant possesses the character and fitness to practice law:

- (1) misconduct in employment;
- (2) acts involving dishonesty, fraud, deceit, or misrepresentation;
- (3) abuse of legal process, including the filing of vexatious or frivolous lawsuits;
- (4) neglect of financial responsibilities;
- (5) neglect of professional obligations;
- (6) violation of an order of a court, including child support orders;
- (7) evidence of mental or emotional instability;
- (8) evidence of drug or alcohol dependence or abuse;
- (9) denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (10) disciplinary action by an attorney disciplinary agency or other professional disciplinary agency of any jurisdiction (Appendix A); or
- (11) citation, arrest, charge, or conviction for any criminal offense.

The Commission may seek the assistance of a medical, psychological, or other expert of the Commission's selection in determining the character and fitness of the applicant, and may require the applicant to submit to an independent evaluation conducted by an appropriate health care professional selected by the Commission. The cost of the independent evaluation shall be paid by the Commission unless otherwise ordered.

(H) **Factors.** The Commission will determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination through the processes described above, the following factors should be considered in assigning weight and significance to prior conduct:

- (1) the applicant's age at the time of the conduct;
- (2) the recency of the conduct;
- (3) the reliability of the information concerning the conduct;
- (4) the factors underlying the conduct;

- (5) the seriousness of the conduct;
- (6) the cumulative effect of the conduct or information;
- (7) the evidence of rehabilitation;
- (8) the applicant's positive social contributions since the conduct;
- (9) the applicant's candor in the admissions process; and
- (10) the materiality of any omissions or representations.

(I) Early application for purposes of character and fitness review.

(1) Any prospective applicant for admission to the Nebraska State Bar who is currently matriculating in an approved law school may file an early application solely for the purpose of receiving a determination of that person's character and fitness for admission. An early application will not substitute for any portion of the regular bar application process, and any person filing such an early application shall still be required to complete all application materials at the time of regular application.

(2) Decision. After due consideration of an early application, the Commission may:

(a) Approve the application, with conditions where appropriate, provided that the applicant shall remain subject to all other qualifications for admission to practice;

(b) Deny the application; or

(c) Determine that the application is not ripe for consideration and decline to rule on the application.

(3) A decision to approve the application pursuant to subsection (2)(a) above shall be binding only as to the facts and circumstances under consideration at the time and shall not prevent consideration of undisclosed conduct, subsequent conduct prior to admission or consideration of past facts and circumstances (including those already reviewed as part of an early application) which relate to subsequent conduct either directly or indirectly.

(4) A denial issued pursuant to subsection (2)(b) shall not prevent a person from filing an application for admission at a later date.

(5) Subject to approval by the Court, the Commission shall establish a nonrefundable early application fee.

Rule 16 adopted May 22, 1996; Rule 16 amended May 13, 2004. Renumbered and codified as § 3-116, effective July 18, 2008; § 3-116 amended January 11, 2012, effective January 1, 2013; § 3-116(A) and (B) amended December 19, 2012, effective January 1, 2013; amended July 25, 2013, effective August 1, 2013; § 3-116 amended February 12, 2020; § 3-116(F) amended June 16, 2021.

§ 3-117. Examination.

(A) **Examination.** Examination applicants are required to pass the MPRE and are required to pass by a combined score the MEE, MPT, and MBE. The MEE, MPT, and MBE must be taken at a single administration of the UBE.

(B) **MPRE.** The MPRE passing score will be established from time to time by the Court. The MPRE may be taken at any location approved for administration by NCBE. A passing MPRE score must be obtained prior to the Commission approving a candidate for admission.

(C) **UBE.** The UBE will be administered on consecutive days twice each year at times and places to be set by the Commission, consistent with the dates established by the NCBE. The first day of the examination will be devoted to the MEE and MPT prepared by the NCBE, and the second day will be devoted to the MBE prepared by the NCBE. The MBE is generally administered over a 6-hour interval, and the MEE and MPT are each administered over a 3-hour interval.

(D) **Conduct of examinations.** Bar examinations shall be administered under the supervision of the Commission. The director may appoint such proctors as are necessary to assist in conducting the examinations.

(E) **Mode of examination.**

(1) **Identification.** The Commission shall utilize an identification procedure that ensures the anonymity of the examinees throughout the examination and grading process.

(2) **Conduct of examinees.** Applicants shall not use any books, memoranda, notes, or any material or devices to assist them in answering questions. The director shall adopt such rules as are necessary to ensure the books, materials, notes, or any other devices are not present during the examination. All questions shall be answered solely from the applicant's own knowledge and without assistance from any other source.

(3) **Anonymity of grading.** Applicants shall not in any manner attempt to influence the grading of their examinations. Applicants shall not identify (or attempt to identify) themselves, their identification numbers, or their answers to any member of the Commission or any other person.

(4) **Penalty for violation.** If an applicant violates or attempts to violate § 3-117(E)(1) through (3), the applicant shall be given an automatic failing grade on the entire examination. The circumstances may be considered by the Commission as grounds for barring the applicant from retaking the Nebraska State Bar Examination at a later session.

(5) **Handling of examination papers.** At the beginning of each examination session, the examiner shall deliver to the applicants a copy of the questions to be answered at that session. The MBE, MPT, and the MEE shall be administered in the manner prescribed therefor. No questions, answer sheets, or other materials relating to the MBE or MEE shall be copied or removed from the examination room. Answers to the essay questions shall be typed or written on paper supplied by the Board. The applicant shall write all answers legibly in ink or by computer. The applicant must label and number his or her answers to correspond with the subject matter and numbers of that part of the examination and shall consecutively number each page of his or her answers to each part of the examination.

(6) **Proctors.** Proctors shall perform such duties as are assigned to them by the director of

admissions. Their purpose shall be to facilitate the conduct of the examination and to ensure its integrity. Proctors shall not discuss, under any circumstances, the content of the examination with an applicant. The Commission may employ law enforcement officers to ensure safety and security of the examination site. Officers shall not discuss, under any circumstances, the content of the examination with an applicant.

(F) **UBE passing score.** The passing score will be established from time to time by the Nebraska Supreme Court. The passing score for the bar examination is currently a score of 270 on a single administration of the examination, determined by the scaled score on the MBE (multiple choice) weighted at 50 percent, the scaled score on the MPT weighted at 20 percent, and the scaled score on the MEE weighted at 30 percent. The passing score for the MPRE is currently 85.

(G) **Stale scores.** Passing scores on the UBE, non-UBE qualifying bar examinations, and the MPRE will not be accepted for admission in Nebraska if more than 3 years has passed after the release of the passing score.

(H) **Examination results/Commission reports.** As soon as practicable after the conclusion of the examination, the Commission will make a written report to the Court of its recommendations. Upon a determination by the Commission that an applicant possesses all of the requirements of eligibility for admission to the bar and that he or she has successfully passed the UBE and MPRE, the Commission shall recommend to the Court that such applicant is eligible for admission.

(I) **Notice to applicant.** The Court shall notify, in writing, each applicant whether he or she has passed or failed the examination. All applicants who are approved by the Court will be admitted to practice upon taking the oath prescribed by law and by filing an executed oath card with the Attorney Services Division of the Nebraska Supreme Court. No applicant shall be admitted as a licensed attorney in Nebraska until he or she has returned an executed oath card to the Attorney Services Division of the Nebraska Supreme Court within 120 days of being given the oath card.

(J) **Destruction of examinations.** Unless otherwise directed by the Court, the Commission, or as provided in § 3-121, all examination papers shall be destroyed by the director 1 year after each examination.

Rule 17 adopted May 22, 1996; Rule 17 amended July 28, 1998. Renumbered and codified as § 3-117, effective July 18, 2008; § 3-117 amended July 25, 2013, effective August 1, 2013; § 3-117(G) and (I) amended November 30, 2016; § 3-117(B), (G), and (I) amended February 12, 2020.

§ 3-118. Applicant's failure of examination.

(A) **Examination inspection by applicant.** The director will retain, subject to these rules, the examination papers (excluding any Multistate Bar Examination papers) of all applicants who fail the examination. Within 10 days after the examination results have been announced, any applicant who fails may personally inspect his or her paper in the presence of the director or person designated by the director. Review of materials are subject to examination security

procedures established by the NCBE.

(B) **Examination appeals.** A failing score on the UBE is not appealable.

Rule 18 adopted July 28, 1998. Renumbered and codified as § 3-118, effective July 18, 2008; § 3-118 amended July 25, 2013, effective August 1, 2013.

§ 3-119. Application for admission by attorney/Class 1-A, 1-B, 1-C, 1-D, and 1-E motion applicants.

Each applicant will be required to execute under oath a thorough application and to sign an authorization and release form that extends to the Commission and to any persons or institutions supplying information thereto. The applicant will be informed of the consequences of failing to produce information requested by the application and of making material omissions or misrepresentations (Appendix A).

(A) **Class 1-A applicants.** Class 1-A applicants are motion applicants who may be admitted to practice in Nebraska upon approval of a proper application and:

(1) who have been licensed and are active and in good standing before the highest court of another state, the District of Columbia, or of any jurisdiction where the Common Law of England constitutes the basis of jurisprudence;

(2) who, at the time of their admission, had attained educational qualifications at least equal to those required at the time of application for admission by examination to the bar of Nebraska;

(3) who have passed a non-UBE examination equivalent to the examination administered in Nebraska with a score which is at least equivalent to the UBE passing score established by the Court and set forth in § 3-117(F); and

(4) who have passed the MPRE with the minimum score established by the Court and set forth in § 3-117(F).

(B) **Class 1-B applicants.** Class 1-B applicants who may be admitted to practice in Nebraska upon approval of a proper application are those:

(1) who: (a) have passed the UBE or equivalent bar examination taken in another state and who have been licensed and are active and in good standing before the highest court of another state, territory, or district of the United States preceding application for admission to the bar of Nebraska, and

(b) have actively and substantially engaged in the practice of law in another state, territory, or district of the United States or who have properly registered as in-house counsel in Nebraska under Neb. Ct. R. §§ 3-1201 to 3-1204 for 3 of the 5 years immediately preceding application for admission; and

(2) who, at the time of their admission, had attained educational qualifications at least equal to those required at the time of application for admission by examination to the bar of Nebraska.

(C) **Class 1-C applicants.** Class 1-C applicants who may be admitted to practice in Nebraska upon approval of a proper application are those:

(1) who have taken the UBE in another jurisdiction and have earned at least the minimum score established by the Court and set forth in § 3-117(F);

(2) have attained educational qualifications by the time of application that are at least equal to those required by the time of application for admission by examination to the bar of Nebraska; and

(3) who have passed the MPRE with the minimum score established by the Court and set forth in § 3-117(F).

(D) **Class 1-D applicants.** Class 1-D applicants are motion applicants who may be admitted to practice in Nebraska upon approval of a proper application under subsection (D).

(1) **Requirements.** An applicant under subsection (D) must:

(a) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;

(b) hold a J.D. or LL.B. degree from an approved law school;

(c) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(d) establish that the applicant has never been suspended, disbarred, or otherwise lost a license to practice law as the result of a disciplinary action in any other jurisdiction; is not currently subject to attorney discipline in any other jurisdiction; nor is the subject of a pending disciplinary matter in any other jurisdiction;

(e) establish that the applicant possesses the character and fitness to practice law in Nebraska;

(f) reside or work, or intend within the next 6 months to reside or work, in Nebraska;

(g) be the spouse of an active duty member of the U.S. Armed Forces, who is assigned to a duty station in Nebraska;

(h) not have failed Nebraska's bar examination within 5 years of the date of filing an application under subsection (D);

- (i) not have been previously denied admission to the practice of law in Nebraska; and
- (j) certify that the applicant has read and is familiar with the Nebraska Rules of Professional Conduct.

(2) **Application and Reduced Fee.** The Commission will make best efforts to expedite applications submitted under subsection (D). The requisite application fee charged for motion application in Nebraska (see Appendix E) shall be reduced by 50 percent for those qualified for admission under subsection (D).

(3) **Termination.** The license to practice law under subsection (D) shall remain in full force and effect until the attorney resigns according to the procedure established under Neb. Ct. R. § 3-803(H) or until further order of the Court. Notwithstanding any other provision of these rules, when an attorney licensed under subsection (D) seeks resignation, the Court may waive any unpaid mandatory membership assessments for the year of resignation.

(E) **Class 1-E applicants.** Class 1-E applicants are motion applicants who were previously admitted to practice in Nebraska and subsequently retired or resigned membership in the Nebraska State Bar Association. Such applicants may be reinstated to practice in Nebraska upon approval of a proper application by the Commission. Prior to reinstatement, the former member shall make payment of any mandatory membership assessment and any late fees due at the time of resignation and cure any noncompliance with MCLE requirements.

(F) **Other applicants.** Any applicant who does not qualify under § 3-119(A) through (E) is a Class 2 examination applicant.

(G) Applicants who meet the requirements of Class 1-A, Class 1-B, Class 1-C, Class 1-D, or Class 1-E shall not be permitted to apply for examination without the prior approval of the Commission, which approval may be given on good cause shown.

(H) Except as provided in subsection (D), applications for admission on motion and the required fees shall be submitted as provided under § 3-114(A) and (C).

(I) **Fingerprints.** All applicants are required to submit fingerprints as provided under § 3-114(H).

(J) **Reciprocity.** Reciprocity is not an essential element of admission by motion in Nebraska.

Rule 19 adopted April 24, 2002. Renumbered and codified as § 3-119, effective July 18, 2008; § 3-119 amended July 25, 2013, effective August 1, 2013; § 3-119 amended January 14, 2015; § 3-119 amended November 30, 2016; § 3-119 amended March 21, 2018; § 3-119 amended January 2, 2019; § 3-119(E) amended June 23, 2021; § 3-119(B)(1) amended November 10, 2021; § 3-119(B)(1) amended January 12, 2022.

§ 3-120. Conditional admission.

(A) The Commission may recommend to the Court such conditions for admission as it deems necessary upon its consideration of an application.

(B) Upon recommendation from the Commission to the Court, an applicant may be granted conditional admission under these rules when it is determined that the protection of the public requires the imposition of conditions and the temporary monitoring of the applicant in question for compliance with the conditions.

(C) Violation of any condition imposed under this rule shall be self-reported to the Commission by the applicant. Any material violation shall be a prima facie basis for immediate revocation of conditional admission

(D) Although the fact of conditional admission is confidential, the applicant may disclose the conditions of admission to any other admitting authority, and the Commission may also do so.

§ 3-120 adopted July 25, 2013, effective August 1, 2013.

§ 3-121. Application for waiver of provisions.

The Court, upon application made to the Clerk of the Supreme Court, may in its discretion vary the application or waive any provision of these rules where strict compliance will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's qualifications, character and fitness, and the facts relied upon and a request for waiver of a specific qualification. This section shall not be used where an applicant has received an adverse decision under § 3-101(B).

§ 3-121 adopted July 25, 2013, effective August 1, 2013; amended October 28, 2020.

§ 3-122. Pro hac vice admission.

Any attorney of good moral character who is admitted to and engaged in the practice of law in the courts of record of another state, the District of Columbia, or a U.S. territory, having professional business in the courts of this state, may, in the discretion of the court, be admitted for the purpose of transacting such business. In order to be admitted, associated counsel licensed in the State of Nebraska shall file with the court where the case is pending as soon as possible, but no later than the date the applicant files any pleading or appears personally, a motion for admission pro hac vice, see Appendix B. A separate motion shall be filed in each case. For cases consolidated by order of the court, one motion is allowed. Along with the motion filed by the Nebraska attorney, the applicant shall execute an application with the following:

(A) A statement identifying the party or parties being represented in the case.

(B) A list of all jurisdictions where the applicant for admission pro hac vice is licensed to practice law, together with applicable bar or registration numbers.

(C) An affirmative statement that the applicant is in good standing and eligible to practice law in the aforementioned jurisdictions and is not the subject of a disciplinary action or investigation. If the applicant is the subject of a disciplinary action or investigation, the name and address of the disciplinary authority for the jurisdiction and a brief description of the nature and status of the action or investigation shall be provided.

(D) An affirmative statement that the applicant is subject to the Rules of Professional Conduct, Neb. Ct. R. of Prof. Cond. §§ 3-501.0 to 3-508.5, upon admission pro hac vice.

(E) Unless exempted by Neb. Rev. Stat. § 7-103, a statement, including contact information, that the applicant has associated and is appearing with an attorney who is a resident of Nebraska, duly and regularly admitted to practice in the courts of record of this state, and upon whom service may be had in all matters connected with the action with the same force and effect as if personally made on such foreign attorney within this state. The associating attorney, or his or her designee, shall sign the motion for admission pro hac vice, all pleadings, motions, and papers filed in the case, as well as personally appear at all proceedings before the court, unless excused by the court.

(F) Fee. A \$250 fee payable to the clerk of each court in which the attorney is appearing or making any filing, for each case the attorney is appearing or making any filing. For cases consolidated by order of the court, one \$250 fee shall be required for all consolidated cases. No refund shall be allowed on cases subsequently consolidated by order of the court. Attorneys initially admitted pro hac vice by the Nebraska Court of Appeals on appeal need not file a second motion and pay another fee in the Nebraska Supreme Court if that same appeal is later docketed in the Court for any reason. The Clerk of the Court shall remit the fee to the State Treasurer for credit to the Nebraska Supreme Court's Counsel for Discipline Cash Fund not later than the 15th day of the month following the calendar month in which the fee was received. If the motion for pro hac vice admission is not granted, the Clerk of the Court shall refund the \$250 fee. A court may, in its discretion and upon written motion, waive the fee for applicants who are representing governmental entities or providing pro bono representation of an indigent client.

Once the motion is granted, the applicant shall take and subscribe the oath required to be taken by individuals regularly practicing before the courts of this state as set forth in Neb. Rev. Stat. § 7-104, and the subscribed oath shall be filed by the applicant with the Clerk of the Court in which the applicant is appearing. The subscribed oath shall be made part of the court record. See Appendix B. Counsel representing an Indian child's tribe or tribes in a child custody proceeding under the Nebraska Indian Child Welfare Act, Neb. Rev. Stat. § 43-1501 et seq., shall be exempt from all requirements of § 3-122. Counsel appearing before the Nebraska Workers' Compensation Court shall comply with all requirements of § 3-122.

§ 3-122 adopted July 25, 2013, effective August 1, 2013; § 3-122 amended July 2, 2014; § 3-122(F) amended February 10, 2016; § 3-122 amended March 9, 2016; § 3-122 amended June 26, 2019.

§ 3-123. Review by Commission.

(A) Any applicant who has had an adverse decision, as defined in § 3-101(B), may within 30 days after mailing of the adverse decision request a hearing before the Commission.

(B) The applicant shall:

(1) appear at the hearing and make an oral presentation and

(2) present a concise written brief 7 days prior to the hearing setting forth the reasons why the adverse decision or other challenged ruling of the Commission should be altered.

(C) The applicant may, at the applicant's expense, arrange to have the proceeding recorded for use by the Commission or by the Court on appeal.

(D) Both the Commission and the applicant may present evidence in the form of witnesses and documents. The Commission may limit argument, request briefing on specific matters and subpoena documents or witnesses. Without waiving any rules of confidentiality stated in these Rules, the Commission may, in its discretion, provide to the applicant copies of any of its documentary evidence in advance of the hearing.

(E) The Commission will advise the applicant of its decision in writing. In the event that the applicant is dissatisfied with the decision of the Commission, the applicant may, within 30 days from the date of the written decision of the Commission, appeal the decision to the Supreme Court as provided in § 3-126.

§ 3-123 adopted July 25, 2013, effective August 1, 2013; § 3-123(D) amended January 14, 2015; § 3-123(B) and (E) amended October 28, 2020.

§ 3-124. Administration of oaths; power of subpoena.

Each member of the Commission is hereby authorized to administer oaths in any proceeding before the Commission on matters relative thereto and has power in such matters to subpoena witnesses and take depositions.

§ 3-124 adopted July 25, 2013, effective August 1, 2013.

§ 3-125. Burden of proof on applicants.

The practice of law in this state is a privilege. The burden of demonstrating that an applicant is qualified for admission under any of these rules, the burden of demonstrating compliance

with these rules, and the burden on review under § 3-123 is on the applicant.

§ 3-125 adopted July 25, 2013, effective August 1, 2013.

§ 3-126. Appeal to Supreme Court; procedure.

(A) Any applicant entitled to appeal from a final adverse decision of the Commission in accordance with § 3-123 must file a notice of appeal with the Clerk of the Supreme Court within 30 days following the date notice of the decision was mailed to the applicant at the address given to the Commission by the applicant at the time of the hearing before the Commission.

(B) The notice of appeal shall be accompanied by a written statement setting forth the nature of the case, the reason for the appeal, and the facts and pertinent authorities upon which the applicant relies. No fee will be charged for filing the appeal.

(C) The Supreme Court may appoint a master, who, after hearing the arguments of the applicant and the Commission, shall make findings and report them to the Court, together with a recommended disposition. A copy of such report shall be forwarded to the applicant on the same day the report is filed with the Court. The applicant shall have 14 days from the filing of the report within which to file a response, if any, as the applicant may wish to make.

(D) If no hearing before a master occurs, the Supreme Court shall consider the matter de novo on the record made at the hearing before the Commission, including such proceedings as may have been recorded pursuant to § 3-123.

§ 3-126 adopted July 25, 2013, effective August 1, 2013; § 3-126 amended February 12, 2020; § 3-126 amended October 28, 2020.

§ 3-127. Confidentiality.

(A) All documents and files concerning applications for permission to take the bar examination and for admission by motion to the practice of law shall be confidential.

(B) All proceedings provided for herein shall be kept confidential until and unless the applicant waives his or her right to confidentiality either by written waiver or by conduct.

(C) Information provided to the director or Commission during the investigation of the character and fitness of an applicant shall be confidential and not be subject to disclosure until a review by the Commission pursuant to § 3-123.

(D) Any person who seeks admission to practice law in the State of Nebraska shall agree to waive all rights of privacy with reference to any and all documentary material filed or secured in connection with the applicant's application. The applicant shall also agree that any such

documentary material, including the application, may be offered into evidence, without objection by the applicant in any proceeding in regard to the applicant's admission to the practice of law.

(E) Nebraska law schools shall be provided information indicating pass rates and scores per area of law and lists of those candidates who passed and failed the bar examination. Out-of-state law schools will be provided names of those passing and failing the bar examination. The law schools shall not publicly disseminate performance information other than overall pass rates and pass rates per number of times taking the examination, except as may be required by law or accreditation rules, and shall not disclose any identifiable information about an examinee.

§ 3-127 adopted July 25, 2013, effective August 1, 2013; § 3-127(C) amended January 14, 2015; § 3-127(C) and (E) amended February 12, 2020; § 3-127(E) amended June 16, 2021.

§ 3-128. Swearing in of applicants.

(A) **Admission/oath or affirmation.** The oath or affirmation upon admission is as follows: "You do solemnly swear that you will support the Constitution of the United States, and the Constitution of this state, and that you will faithfully discharge the duties of an attorney and counselor, according to the best of your ability."

(B) **Swearing in ceremonies.** Examination applicants shall be sworn in at the Supreme Court sponsored ceremonies held in April (for February applicants) and September (for July applicants).

(1) No examination applicant may be sworn in before the date of the Supreme Court ceremony that corresponds to the bar exam taken by the applicant. Examination applicants who are not able to attend the Supreme Court ceremonies may be sworn in by a judge or clerk of any federal, state, or county court within any jurisdiction of the United States.

(2) Applicants admitted on motion may be sworn in by a judge or clerk of any federal, state, or county court within any jurisdiction of the United States.

(C) **Time limit.**

(1) Oath or affirmation. No applicant shall be permitted to take the oath or affirmation required for licensing more than 120 days after the date the Supreme Court approved the applicant for admission. After 120 days, an applicant is required to re-apply for admission by submitting full payment, fingerprints, a new application, and all required documents as provided in this rule.

(2) Executed oath card. No applicant shall be admitted as a licensed attorney in Nebraska until he or she has timely returned an executed oath card to the Attorney Services Division of the Nebraska Supreme Court. Executed oath cards must be returned to the Attorney Services Division within 120 days of the card being supplied to the applicant or the applicant shall not be admitted in Nebraska without a new application and examination.

(D) **Duty to supplement.** All applicants have a continuous duty to disclose any change in

information reported on the application for admission when he or she discovers the initial response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

§ 3-128 adopted July 25, 2013, effective August 1, 2013; § 3-128 amended November 30, 2016; § 3-128 amended February 12, 2020.

§ 3-129. Resignation; readmission.

Any attorney admitted to practice law in the State of Nebraska who resigns membership in the Nebraska State Bar Association will no longer be permitted to practice law in the State of Nebraska until readmitted under these rules.

§ 3-129 adopted July 25, 2013, effective August 1, 2013.
